

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 863 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

( No.1 to 5 NO)

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RAMANBHAI PUNJABHAI SHARMA

Versus

SHREE JALARAM KIRANA

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Appearance:

MR MR ANAND for Petitioner

MR GR SHAIKH for Respondent No. 1 to 4

MR. K.C. SHAH, LD.PUBLIC PROSECUTOR for Respondent No. 5

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CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 04/08/97

ORAL JUDGEMENT

The Respondents No. 1 to 4, the original accused came to be acquitted by Ld. JMFC, Anand, in Criminal Case No. 3401 of 1981, of the offences punishable under section 2, 7 and 16 of the Prevention of Food Adulteration Act, 1954, under the orders dated October 30, 1987. The said orders of acquittal are in challenge

in the present Appeal filed by the Appellant Food Inspector, Anand Municipality, Anand.

The case of the prosecution appears to be that, complainant Ramanbhai Sharma, who was working as the Food Inspector, Anand, had gone to a shop known as 'Jalaram Kirana' and had purchased the sample of turmeric powder from Respondent no.4 Mahendrabhai Patel. The said sample was found to be adulterated. The complaint was registered and on the appreciation of the evidence on record, the Respondents accused no. 1 to 4 were acquitted.

The Court below has noticed with pertinence that, according to the case of the prosecution, the sample came to be collected from a shop known as 'Jalaram Kirana'. This shop was registered in the name of Shri. Shashikant Chhotabhai Patel under The Bombay Shops And Establishments Act, 1948; while it was registered in the name of Ranchhodbhai Chhotabhai Patel under the provisions of Food Adulteration Act, 1954. The case of the prosecution was that, the sample was purchased from Respondent accused no.4 Mahendrabhai R. Patel, while the necessary copy of the Report and the result of the analysis under section 13(2) of the provisions of Food Adulteration Act, 1954 came to be served upon Ranchhodbhai Patel alone.

Thus the Court below has noticed that, there was discrepancy in the name of the firm because two separate licences were obtained by the provisions store under two different enactments. The sample allegedly came to be sold by Respondent no.4, but once again the Report under section 13(2) of the Prevention of Food Adulteration Act, 1954 came to be given to Ranchhodbhai Patel, the Respondent no.3 alone. The Court below therefore has rightly come to the conclusion that the provisions contained under section 13(2) of the Prevention of Food Adulteration Act, 1954, have not been complied with. In my opinion, therefore, the Court below was justified in recording the orders of acquittal. The present Appeal requires to be dismissed. I order accordingly. The orders of acquittal pronounced by the Court below are hereby upheld and confirmed.

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/vgn.

